

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DEVORIS ANTOINE NEWSON)
)
 v.) NO. 3:23-cv-00081
)
 TRINITY SERVICES GROUP, INC., *et al.*)

ORDER

On April 21, 2023, the Court conducted an initial review of this *pro se* and *in forma pauperis* prisoner civil rights action and found that Plaintiff stated a claim of racial discrimination against Steward Wagner based on Wagner allegedly firing Plaintiff from his kitchen job at TTCC and claims of retaliation against Officer Spence and Captain Smith based on their alleged actions following the alleged assault of Plaintiff at TTCC on January 11, 2023. *See* Order (Docket Entry No. 16). All other Defendants, claims, and requests for relief were dismissed.

Plaintiff has filed an “objection” to the Court’s April 21, 2023 Order, *see* Docket Entry No. 18, which is directed to the attention of the Honorable Judge Eli J. Richardson, the District Judge who is presiding over this case.

Plaintiff’s motion (Docket Entry No. 17) for the entry of default against all Defendants is DENIED. Although Plaintiff indicates in his motion that copies of “the suit and summons” were served upon Defendants on March 11 through 14, 2023, the Court’s initial review had not yet occurred at that time and his claims has not been permitted to proceed. Further, it appears that service of process packets with instructions were only mailed to Plaintiff upon entry of the April

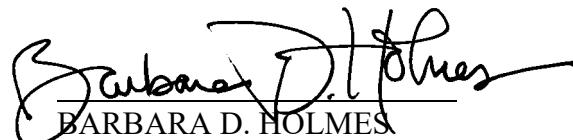
21, 2023 Order, and he could not, therefore, have properly served Defendants prior to that date. Accordingly, there is no basis for the entry of default against any Defendant in this action.¹

The motion (Docket Entry No. 23) of Defendant Cody Spencer for an extension of time to file an answer is GRANTED.

The Court notes that the docket shows that Plaintiff has not returned to the Clerk's Office completed service packets as he was directed to do in the Court's April 21, 2023, Order. Plaintiff is given until **June 23, 2023**, to return completed service packets. Plaintiff's failure to timely return service packets as instructed may result in the dismissal of some or all of his lawsuit.

Any party objecting to object to this Order may do so by filing a motion for review no later than fourteen (14) days from the date this Order is served upon the party. The objections/motion for review must be accompanied by a brief or other pertinent documents to apprise the District Judge of the basis for the objection. *See* Rule 72.01(a) of the Local Rules of Court. Responses to the objections/motion for review must be filed within fourteen (14) days of service of the motion for review. *See* Rule 72.01(b) of the Local Rules of Court.

So ORDERED.



BARBARA D. HOLMES
United States Magistrate Judge

¹ Additionally, some Defendants have already answered or filed motions for an extension of time to answer, which further precludes entry of default.